

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

ROBERT ZEIDMAN

PETITIONER,

v.

LINDELL MANAGEMENT LLC,

RESPONDENT.

Case No. _____

**NOTICE OF REMOVAL AND
REQUEST TO CONSOLIDATE**

Respondent Robert Zeidman pursuant to 28 U.S.C. §§ 1332, 1441 and 1446, with full reservation of all defenses, hereby removes this action pending in the District Court, Fourth Judicial District, Hennepin County, Minnesota, Case No. 27-CV-23-7502 to the United States District Court for the District of Minnesota and further requests that pursuant to Federal Rule 42 this action be consolidated with the already-pending action in this court docketed at Case No. 23-cv-01433. In support of this Notice of Removal and Request for Consolidation, Mr. Zeidman states as follows:

Relevant Background

1. On May 18, 2023, Petitioner Lindell Management LLC (“Lindell”) filed a petition to vacate an arbitration award in the District Court of Hennepin County, Minnesota at Civil Action at 27-CV-23-7502. In accordance with 28 U.S.C §1446(a) a true and correct copy of all pleadings, process and orders filed in the State Court Action are attached hereto as Exhibits 1-3.

2. The petition to vacate names Robert Zeidman as Respondent.

3. The petition seeks to vacate the Reasoned Decision and Arbitration Award entered on April 19, 2023 by a three-member AAA arbitration panel in the case of *Robert Zeidman v. Lindell Management LLC* AAA Case No. 01-21-0017-1862. (Exhibit 1, Petition to Vacate at Ex. C).

4. The only sentence provided by Petitioner in support of its motion is that “the Panel exceeded its powers.” (Exhibit 1 at ¶11).

5. Petitioner asks that the Hennepin County Court vacate the arbitration award and order a rehearing as well as award Petitioner costs and disbursements incurred. (Exhibit 1 at pp. 2-3).

6. Per the Petition to Vacate, Petitioner Lindell Management LLC is a Minnesota limited liability company. (Exhibit 1 at ¶1).

7. Respondent Robert Zeidman is an individual residing in the State of Nevada.

Jurisdiction and venue requirements have been satisfied.

8. The United States District Court for the District of Minnesota has jurisdiction over this matter under 28 U.S.C. § 1332(a) because there is complete diversity of citizenship between the parties and because the amount in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs. (Exhibit 1 at Exhibit C).

9. This action is removeable from the District Court for Hennepin County, Minnesota pursuant to 28 U.S.C. §1441 *et seq.*

10. The case filed by Petitioner pending in the District Court of Hennepin

County, Minnesota, at Civil Action at 27-CV-23-7502, is within the jurisdiction of the United States District Court for the District of Minnesota. 28 U.S.C. §1441 *et seq.*

Respondent has satisfied procedural requirements for removal.

11. This Notice of Removal is timely because it is being filed within 30 days of service of the petition to vacate upon Respondent. 28 U.S.C. §1446(b).

12. Concurrent with the filing of this Notice of Removal and Request to Consolidate, Respondent has filed a Notice of Filing of Notice of Removal with the Clerk of the District Court of Hennepin County, Minnesota, advising that he has removed this action to the United States District Court for the District of Minnesota. 28 U.S.C. §1446(d).

13. In filing this Notice of Removal, Respondent explicitly does not waive any rights, remedies, or defenses he may assert in this action.

Respondent requests consolidation with Case No. 23-cv-01433.

14. In addition, on May 19, 2023, Respondent Robert Zeidman filed in the United States District Court for the District of Minnesota a petition to confirm the award, Case No. 23-cv-01433.

15. Respondent Robert Zeidman therefore also requests that this action be consolidated with Case No. 23-cv-01433 currently pending before Judge John R. Tunheim.

16. Undersigned counsel has conferred with counsel for Lindell Management, LLC but has been unable to confirm whether or not Petitioner concurs with removal and consolidation of this matter and therefore files it without consent.

WHEREFORE, Respondent respectfully requests that the Court remove this action from the District Court of Hennepin County, Minnesota to the United States District Court

for the District of Minnesota and requests that this action be consolidated with the already-pending action in this court docketed at Case No. 23-cv-01433.

Dated: June 12, 2023

NICHOLS KASTER, PLLP

By: /s/ David E. Schlesinger

David E. Schlesinger (MN# 0387009)

4700 IDS Center

80 South Eighth Street

Minneapolis, MN 55402

T: 612-256-3277

F: 612-338-4878

schlesinger@nka.com

Brian A. Glasser (*pro hac vice* forthcoming)

Cary Joshi (*pro hac vice* forthcoming)

1055 Thomas Jefferson St, Suite 540

Washington, DC 20007

T: (202) 463-2101

F: (202) 463-2103

bglasser@baileyglasser.com

cjoshi@baileyglasser.com

Attorneys for Respondent Robert Zeidman